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U. S. Supreme Court Decisions

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thereafter killed, and the Industrial Commission decided he was an independent contractor. The court reversed this holding on the theory that the men were engaged in "piece work" and were employees, and if employees the risk could not be transferred by declaration of the employer.—*Rouse vs. Town of Bird Island*, 211 N. W. 327 (Minn. Dec. 1926).

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A workman, whose history disclosed dormant syphilis, was struck on the head on three different occasions (Nov., 1923, Jan., 1924, Feb., 1924). On the first two of these occasions there was a laceration of the scalp. Soon after November, 1923, he became mentally depressed, and the result of the mental decline was general paralysis. Upon the question of fact whether the general paralysis, which was primarily caused by syphilis, was lighted up or accelerated by the injuries to the head, the Industrial Commission found that the injuries were not serious enough to produce the result claimed, and compensation was denied. It was held, that the evidence would support a finding either way, and the Commission having spoken, its word was final. *Walker vs Minnesota Steel Co.*, 209 N. W. 635 (Minn.). (The opinion carries this: "An actual aggravation of an existing infirmity, caused by an accident in the course of employment, is compensable, even though the accident would not have caused injury to a normal person;" which brings up for consideration Commissioner Wenzel's suggestion—now followed by the North Dakota Bureau and sustained by the Courts of Kentucky and Illinois—that the relative responsibility of the disease and the injury be determined by proper medical testimony, and award made in accordance therewith.)

U. S. SUPREME COURT DECISIONS

Section 3450 of the U. S. Revised Statutes permits the forfeiture of a vehicle containing intoxicating liquor on which taxes are unpaid, even though the owner of the vehicle was innocent of any intent to defraud the government of the taxes on the liquor.—*U. S. vs One Ford*, 47 Sup. Ct. Rep. 154.

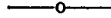
—o—
Although a zoning ordinance excludes industries of a harmless nature as well as those of a harmful character from residential districts, the enforcement of the entire zoning ordinance will not be restrained on the ground of unconstitutionality.—*Village of Euclid vs Ambler Realty Co.*, 47 Sup. Ct. Rep. 114.

—o—
The eighteenth amendment does not deprive the states of their police power to regulate traffic in intoxicating liquors, and it is not a violation of the double jeopardy clause where an act is made to constitute an offense against both the laws of the U. S. and a State.—*Herbert vs Louisiana*, 47 Sup. Ct. Rep. 103.

—o—
A state may prescribe the terms and conditions on which a foreign corporation shall be admitted to do business within the state, but once admitted, it must be treated on an equality with domestic corporations engaged in the same business—(the decision related to taxation.)—*Hunover Fire insurance Co., vs Carr*, 47 Sup. Ct. Rep. 179

—o—
In a case where there is no trade dispute; where there has been no controversy over wages, hours or conditions of labor; no dispute

over discipline, rules, or employment of union labor; but a strike is called for the sole purpose of compelling the employer to pay wages (the amount of which depended upon a controverted question of fact concerning the age of the worker); it is within the police power of a state to forbid the inducing of a strike.—*Dorchy vs Kansas*, 47 *Sup. Ct. Rep.* 86.



The Senate (or the House) has power, by attachment of the person, to compel a recalcitrant witness to appear and testify in an investigation to procure information reasonably necessary for the proper and efficient exercise of the legislative function. The resolution, under which the attachment issued, declared that the testimony was sought for the purpose of obtaining information necessary as a basis for such legislative and other action as the Senate may deem necessary and proper; and while there could be no "other action" within the power of the Senate, the inclusion of this "untenable suggestion" did not invalidate the proceeding.—*McGrain vs Daugherty*, 47 *Sup. Ct. Rep.* 319.

ATTORNEYS' RECOMMENDATIONS ENACTED

House Bill No. 138. Bill to amend Sections 10804 and 10805, C. L. 1913, relating to Peremptory Challenges in criminal cases, and providing that the State and Defendant shall be entitled to an equal number of peremptory challenges.

House Bill No. 136. Bill to amend Section 3382, C. L. 1913, relating to State's Attorney's Contingent Fund; providing that in each county having a population of 10,000 or less, the minimum amount required to be annually transferred to such fund shall be the sum of \$500.00 and a maximum of not more than \$1000.00; in counties having a population of more than 10,000, but not exceeding 20,000, a minimum of \$1000.00 and a maximum of \$1500.00; and in counties having a population of more than 20,000, a minimum of \$1500.00 and a maximum of \$2000.00.

House Bill No. 135. Bill to amend Section 10605, C. L. 1913, providing that in preliminary hearings the defendant shall only be entitled to have the testimony taken at the expense of the State in felony cases.

House Bill No. 128. Bill to amend Section 10833, C. L. 1913, defendants jointly charged with any crime, whether misdemeanor, or felony, may be separately tried in the discretion of the court.

House Bill No. 127. Bill providing increased penalties for habitual criminals as follows: (1) Any person convicted of a felony who has previously been convicted of two felonies in this, or any other State, shall be liable to a maximum punishment of imprisonment of twice the maximum sentence now prescribed by law for a first conviction of such offense; (2) Any person convicted of a felony who has previously been convicted of three or more felonies in this or any other State, shall be liable to the maximum punishment of imprisonment for life.

Senate Bill No. 62. Bill amending Section 10994, C. L. 1913, providing that all appeals in criminal cases must be taken from a judgment of conviction within 90 days, and from an order within 60 days; all such appeals must be completed and the record filed within 6 months, unless such time is extended for not more than 3 months by the district court upon application of the defendant after notice to